

In the matter of )  
 )  
Simple Mobile LLC )  
 )  
Petition for Clarification or, in the Alternative, )  
Waiver of Section 20.19 of the Commission's )  
Rules )

<sup>5</sup> See 47 C.F.R. §§ 20.19(c)(3) and 20.19(d)(3). Hearing aids operate in one of two modes – acoustic coupling or telecoil (inductive) coupling. Hearing aids operating in acoustic coupling mode receive and amplify all sounds surrounding the user; both desired sounds, such as a telephone’s audio signal, as well as unwanted ambient noise. Hearing aids operating in telecoil coupling mode avoid unwanted ambient noise by turning off the microphone and receiving only signals from magnetic fields generated by telecoil-compatible telephones. See <http://www.fcc.gov/guides/hearing-aid-compatibility-wireless-telephones> (last visited Sept. 9, 2014).

handsets in its branded handset portfolio to satisfy the Commission's requirements for inductive coupling mode.<sup>6</sup> Nevertheless, in its Petition, Simple Mobile requests that the Commission clarify that it can meet the inductive coupling requirements of the Commission's hearing aid-compatibility requirements by counting all handsets that can utilize Simple Mobile's service, including handsets that customers bring to its service, rather than just the handsets that Simple Mobile offers (*i.e.*, its branded handset models).<sup>7</sup> In the alternative, Simple Mobile requests that, if the Commission determines that its compliance must be measured based on the number of banded handsets that it offers and not on the total number of handsets that customers can bring to its service, the Commission grant it a waiver of these requirements with respect to the Commission's hearing aid requirements for inductive coupling mode.<sup>8</sup>

4. Subsequent to the filing of its Petition, Simple Mobile was acquired by the Mexican telecommunications company America Movil through its U.S. subsidiary TracFone Wireless, Inc. ("TracFone").<sup>9</sup> According to news reports, the transaction was completed in June 2012; a year and a half after Simple Mobile filed its Petition.<sup>10</sup> In its FCC Form 499 filed in the spring of 2013, Simple Mobile reported that it stopped doing business in June 2012, and that the company's assets were sold to TracFone.<sup>11</sup> Since being acquired by TracFone and ceasing operations, Simple Mobile has not filed an annual hearing aid-compatibility status report.<sup>12</sup> The last annual hearing aid-compatibility status report it filed with the Commission was in January 2011 for reporting year 2010.<sup>13</sup>

5. Based on our review of the record in this proceeding and the related circumstances described above, we dismiss as moot Simple Mobile's Petition. Simple Mobile's Petition was filed approximately three and half years ago, when Simple Mobile was still actively providing service to its customers. In the intervening time, Simple Mobile was acquired by TracFone in 2012 and, more importantly, it ceased operations. As a result, Simple Mobile is no longer required to comply with the hearing aid-compatibility rules.<sup>14</sup> Therefore, the clarification and/or waiver that Simple Mobile requested is no longer needed. Accordingly, we dismiss the Petition as moot.

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<sup>6</sup> Petition at 5.

<sup>7</sup> Petition at 3-5.

<sup>8</sup> Petition at 5-7.

<sup>9</sup> See <http://www.rcrwireless.com/20120620/carriers/america-movil-closes-on-simple-mobile-acquisition-consolidates-u-s-prepaid-presence> (last visited Sept. 9, 2014).

<sup>10</sup> *Id.*

<sup>11</sup> See FCC Form 499, Annual Telecommunications Reporting Worksheet, Simple Mobile LLC, filer number 828011 (Apr. 1, 2013).

<sup>12</sup> See 47 C.F.R. § 20.19(i). The reporting obligations associated with FCC Form 655 are the principal means with which the Commission ensures compliance with its hearing aid-compatibility provisions, and manufacturers and service providers must file the form on an annual basis. See *Public Notice*, "The Wireless Telecommunications Bureau Reminds Manufacturers and Service Providers of Their Obligation To Report on the Status of Compliance with the Commission's Hearing Aid Compatibility Requirements," 23 FCC Rcd 18078 (WTB 2008).

<sup>13</sup> See FCC Form 655, Hearing Aid-Compatibility Status Report, Simple Mobile LLC (filed Jan. 14, 2011); see also [http://wireless.fcc.gov/hac\\_documents/110210/5938835\\_168.PDF](http://wireless.fcc.gov/hac_documents/110210/5938835_168.PDF).

<sup>14</sup> Under Section 20.19(a)(1) of the Commission's rules, 47 C.F.R. § 20.19(a)(1), "providers of digital CMRS in the United States" are required to comply with the Commission's hearing aid-compatibility requirements. Thus, Simple Mobile's reporting requirement ceased at the time it ceased to be a "provider of digital CMRS in the United States."

6. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 710 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 610, and sections 0.131, 0.331, 1.3, and 1.925(b) of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, 1.3, and 1.925(b), that the Petition filed by Simple Mobile LLC IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

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